

**CITY OF WASILLA
RESOLUTION SERIAL NO. 09-35**

**A RESOLUTION OF THE WASILLA CITY COUNCIL FIXING THE RATE OF
COMPENSATION FOR THE POSITION OF HEARING OFFICER FOR APPEALS AND
REPEALING RESOLUTION SERIAL NO. 06-38(AM).**

WHEREAS, Wasilla Municipal Code 16.36.020.A states that appeals to the Council from decisions of the Planning Commission are heard by a city-appointed administrative hearing officer; and

WHEREAS, Wasilla Municipal Code 7.08.020.A states that appeals of animal classified as a level 1, 2, 3, 4, or a written administrative order to are heard by a city-appointed administrative hearing officer who has appellate jurisdiction over such cases; and

WHEREAS, Wasilla Municipal Code 7.08.020.B states that a city-appointed administrative hearing officer has original jurisdiction of animals recommended for a level 5 classification by the Chief Animal Care and Regulation Officer; and

WHEREAS, Wasilla Municipal Code 2.76.030 states that compensation of the administrative hearing officer will be determined by Council resolution; and

WHEREAS, the time required for an administrative hearing officer to research and prepare for a hearing, hear an appeal, and write a decision of the appeal will vary significantly depending on the issues presented by the appeal; and

WHEREAS, Wasilla Municipal Code 2.76.020 states that an administrative hearing officer shall be an attorney duly licensed to practice law in the state of Alaska,

or have training and experience in arbitration, mediation, contract law, and Title 7 and/or 16; and

WHEREAS, the Council finds that an hourly rate of \$150 will provide reasonable compensation to persons who are qualified to serve as a hearing officer under Wasilla Municipal Code 2.76.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council approves the rate of compensation for an administrative hearing officer under Wasilla Municipal Code 2.76.030 at \$150 per hour; and

BE IT FURTHER RESOLVED, that the compensation rate shall apply to the time devoted by the administrative hearing officer to research, preliminary meetings with staff or counsel, hearing the appeal, and writing a decision of the appeal; and

BE IT FURTHER RESOLVED, that to the extent feasible the City shall provide office, clerical and legal services for an administrative hearing officer in the performance of duties as a hearing officer, and to the extent that the city cannot provide such support, the City will reimburse the hearing officer for reasonable out-of-pocket expenses, such as photocopying and long distance telephone charges, incurred in the performance of duties as a hearing officer; and

BE IT FURTHER RESOLVED, that the administrative hearing officer is required to comply with the requirements of WMC 6.04, Business Licenses Generally; and

BE IT FURTHER RESOLVED, that Council Resolution Serial No. 06-38(AM) is hereby repealed in it's entirety.

ADOPTED by the Wasilla City Council on November 9, 2009.



VERNE E. RUPPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Hall, Harris, Holler, Katkus, Larson and Woodruff in favor.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

Resolution Serial No. 09-35: FIXING THE RATE OF COMPENSATION FOR THE POSITION OF ADMINISTRATIVE HEARING OFFICER FOR APPEALS AND REPEALING RESOLUTION SERIAL NO. 06-38(AM).

Agenda of: November 9, 2009
Originator: Deputy City Clerk

Date: October 28, 2009

Route to:	Department	Signature/Date
X	Chief of Police	JC Rhein 10/28/09
X	Finance Director	[Signature]
X	Interim Deputy Administrator	Maryann Lyde
X	City Clerk	[Signature]

REVIEWED BY MAYOR VERNE E. RUPRIGHT: _____

FISCAL IMPACT: yes \$ or no

Funds Available yes no

Account name/number: 001-4110-411.30-37

Attachments: Resolution Serial No. 09-35 (3 pp)
Resolution Serial No. 06-38(AM) (2 pp)

SUMMARY STATEMENT: We recommend that the Council raise the rate of compensation for an administrative hearing officer from \$125 per hour to \$150 per hour.

STAFF RECOMMENDATION: Approve the adoption of Resolution Serial No. 09-35.